

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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| DONALD PAYNE, JR., |) | |
| |) | Civil Action No. 12 – 1206 |
| Plaintiff, |) | |
| |) | District Judge Terrence F. McVerry |
| v. |) | Chief Magistrate Judge Lisa Pupo Lenihan |
| |) | |
| MICHAEL J. ZAVADA and BRIAN |) | |
| S. MILLER, |) | |
| |) | |
| Defendants. | | |

MEMORANDUM ORDER

This case is before the Court on the Report and Recommendation filed by Chief Magistrate Judge Lisa Pupo Lenihan on January 23, 2013 (ECF No. 37) recommending that Plaintiff's Motion for Temporary Restraining Order (ECF No. 35) be denied. The parties were served with the Report and Recommendation and informed that they had until February 11, 2013, to file written objections. As of the date of this Order, however, no objections have been filed. As such, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 20th day of February, 2013,

IT IS HEREBY ORDERED that Plaintiff's Motion for Temporary Restraining Order (ECF No. 35) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 37) dated January 23, 2013, is **ADOPTED** as the opinion of the Court.

AND IT IS FURTHER ORDERED that this case is remanded back to the Magistrate Judge for all further pretrial proceedings.

By the Court:

s/Terrence F. McVerry
United States District Judge

cc: Donald Payne, Jr.
0138-2013
Westmoreland County Prison
3000 South Grande Boulevard
Greensburg, PA 15601
Via U.S. Postal Mail

Counsel of Record
Via ECF Electronic Mail